Datatreasury Corporation v. Wells Fargo & Company et al Doc. 431

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION, Plaintiff, vs. WELLS FARGO & COMPANY, et al., Defendants.	§ § § § § § § § § § §	Civil Action No. 2:06-cv-00072-DF Judge David Folsom

Viewpointe's Notice of Acceptance of Stipulation Required for Stay

The Court, having considered the parties' briefing and oral argument in three related cases, ordered (Docket No. 411) that this case be stayed for all proceedings related to the "Ballard Patents" – U.S. Patent Nos. 5,910,988 and 6,032,137 – in light of developments in the *ex parte* reexaminations initiated by First Data Corporation (hereafter "petitioner") of the "Ballard Patents" (Reexamination Control Nos. 90/007829, 90/007830). As a required condition of the Court's stay, defendant Viewpointe Archive Services, LLC, ("Viewpointe") hereby notifies the Court that it accepts the following stipulation and the resulting stay of the proceedings related to the "Ballard Patents":

> As a condition of the stay, Defendant may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendant will be permitted to rely for obviousness on the combination of a printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

Dockets.Justia.com

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Viewpointe's Notice of Acceptance of Stipulation Required for Stay was served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF filing system per Local Rule CV-5(a)(3) on the 22nd day of January, 2007.

/s/ Phillip B. Philbin
Phillip B. Philbin